

bonds for the improvement of public roads, such bond must be designated in said order; providing for the maintenance of roads, constructed with the proceeds of the sale of such bonds; providing for the compensation of county treasurer for handling funds arising from said land sales; providing the character of construction to be used for such roads; providing for eminent domain, making it optional for Wichita County to proceed to condemn land under railroad condemnation statute or to act under general law relative to opening public roads by jury or view; providing for the employment of convicts on county roads; authorizing the commissioners' court to order railway companies to ditch or drain along their rights of way in such manner as to prevent injury to the public highways; providing for liability to the county for damages resulting from hauling heavy loads on such highways; providing penalties for the obstruction or diversion of the flow of rainfall in such manner as to cause damage to the highways of said county; providing for the issuance of bonds in such manner as is provided for by the General Laws of the State of Texas; defining the meaning of the word "road" and "highway"; authorizing the investment of sinking funds of said county in bonds authorized by law; prohibiting county officials of Wichita County from becoming financially interested in contracts of said county and prescribing penalties therefor; repealing all laws and parts of laws in conflict herewith; providing that provisions of this Act are cumulative of the General Laws of the State of Texas when not in conflict herewith; providing for the repeal of Chapter 29 of the General Laws of Texas, approved March 22, 1918, insofar as the same effects Wichita County, and declaring an emergency."

This amendment being for the purpose of providing that the road taxes, general and special, for Wichita County, and the gross registration, chauffeur and transfer fees collected on motor vehicles and the like as now or hereafter provided by law, and paid into the county depository of Wichita County to the credit of its special highway fund shall be distributed among the four commissioners precincts in accordance with the residence or business address of such registrant or owner, and to be expended only upon the consent of the commissioners from whose precinct said funds are to be

transferred, repealing all laws in conflict, and declaring an emergency.

Have had same under consideration, and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass, and, being a local bill, be not printed.

BURKETT, Chairman.

FORTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Friday, March 9, 1923.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent—Excused.

Clark.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

H. B. No. 328—Conference Committee Appointed.

The Chair (President Pro Tem Dudley) announced the following to serve on the part of the Senate on the conference committee on H. B. No. 328: Senators Baugh, McMillin, Bailey, Strong, Wood.

H. B. No. 18—Point of Order

Before the morning call was concluded, Senator Bledsoe raised the point of order, that under Senate rule 11, subdivision 5, H. B. No. 18 should

be placed before the Senate as pending business; that it was pending business at the time it was displaced from the calendar by unanimous consent, acting under the caucus resolution, and that it shall require four-fifths of the Senators present to suspend the rule.

The Chair, President Pro Tem Dudley, overruled the point of order, holding that at the time the Senate adjourned last evening, S. B. No. 365 was under consideration and H. B. No. 18 was not pending, and therefore S. B. No. 365 was pending business this morning.

Senator Bledsoe appealed from the ruling of the Chair, and the appeal was seconded.

Pending the appeal, Senator Bailey occupied the Chair.

Question: Shall the decision of the Chair be sustained?

The roll was called and the decision of the Chair was sustained by the following vote:

Yeas—14.

Bailey.	McMillin.
Burkett.	Murphy.
Darwin.	Parr.
Davis.	Rice.
Fairchild.	Rogers.
Floyd.	Wirtz.
Holbrook.	Wood.

Nays—11.

Baugh.	Stuart.
Bledsoe.	Turner.
Bowers.	Watts.
Cousins.	Witt.
Lewis.	Woods.
Ridgeway.	

Present—Not Voting.

Dudley.	Thomas.
Pollard.	

Absent.

Doyle.	Strong.
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Absent—Excused.

Clark.

(Senator Dudley in the Chair.)

S. B. No. 365 on Engrossment.

The Chair laid before the Senate as pending business, on passage to engrossment, S. B. No. 365, regulating fees of county attorneys, etc., which was read second time on March 8, with an amendment by Senator Lewis pending.

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill: Amend S. B. 365 by adding Art. 3893a before Section 2 to read as follows: Providing that County Attorneys in the various counties shall receive five dollars in every case where there is a plea of guilty in justice courts, and ten dollars in county courts either upon plea of guilty or upon conviction after prosecution and this shall be the maximum fee in all cases.

The amendment was adopted.

S. B. No. 365 was passed to engrossment.

S. B. No. 365 on Third Reading.

On motion of Senator Darwin the constitutional rule requiring bills to be read on three several days in each house was suspended and S. B. No. 365 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Nays—1.

Woods.

Absent—Excused.

Clark.

The Chair then laid S. B. No. 365 before the Senate on its third reading and final passage.

The bill was read the third time and passed.

H. B. No. 18—Motion to Take Up.

Senator Bledsoe moved that the regular order of business be suspended, and that the Senate take up out of its regular order, on passage to third reading H. B. No. 18.

The motion was lost by the follow-

ing vote; not receiving the necessary two-thirds majority.

Yeas—15.

Bailey.	McMillin.
Burkett.	Murphy.
Darwin.	Parr.
Dudley.	Rogers.
Fairchild.	Wirtz.
Holbrook.	

Nays—11.

Baugh.	Ridgeway.
Bledsoe.	Stuart.
Bowers.	Thomas.
Cousins.	Turner.
Davis.	Witt.
Floyd.	Wood.
Lewis.	Woods.
Pollard.	

Present—Not Voting.

Rice.	Strong.
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Absent.

Doyle.	Watts.
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Absent—Excused.

Clark.

S. B. No. 260 on Thrd Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 260, A bill to be entitled "An Act to reduce the royalty on oil and gas produced in river beds and channels from one-eighth to one-sixteenth; and declaring an emergency."

The bill was read third time and passed.

S. B. No. 259 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 259, A bill to be entitled "An Act to provide for the development of State permits and leases and portions of same on river beds and channels by providing for transferring to the State for the use of the available school fund a portion of oil produced on the main land adjacent to the river beds and channels; providing for the payment of royalties; for forfeiture and declaring an emergency."

The bill was read third time and passed.

H. B. No. 643 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 643, A bill to be entitled "An Act creating the Brownsboro Independent School District in Henderson County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties and liabilities now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

Absent.

Doyle.	Watts.
Pollard.	Woods.

Absent—Excused.

Clark.

H. B. No. 674 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading, and final passage,

H. B. No. 674, A bill to be entitled "An Act exempting Travis County for a period of two years from the provisions of Chapter 12, Section 3, Acts of 1917, Third Called Session, as amended by Chapter 87, Section 3, Acts 1918, Fourth Called Session, and providing for an emergency."

The bill was read third time and passed by the following vote:

Yeas—24.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Rogers.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Holbrook.	Wirtz.
Lewis.	Wood.

Absent.

Burkett.	Watts.
Floyd.	Witt.
Thomas.	Woods.

Absent—Excused.

Clark.

S. B. No. 418 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the City of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the City of Austin, with reservation, and declaring an emergency."

The bill was read third time and passed.

Senator Fairchild moved to reconsider the vote by which S. B. No. 418 was finally passed.

Senator Wood moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bowers.	Pollard.
Burkett.	Ridgeway.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Parr.	

Nays—13.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Rice.
Cousins.	Rogers.
Darwin.	Watts.
Fairchild.	Woods.
Lewis.	

Absent.

Strong.

Thomas.

Absent—Excused.

Clark.

S. B. No. 67 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 67, A bill to be entitled "An Act to require the teaching of vocational studies in the public schools of Texas, such as agriculture, horticulture, stock raising, home economics and kindred studies, and to require the President of A. & M. College and the State Commissioner of Agriculture to formulate courses of study in the department herein created, and to require the State Superintendent of Public Instruction and Commisisoner of Agriculture to formulate regulations for teaching both literary and vocational studies in public school houses, and requiring the State University and its subsidiary branches to give special attention to the education of teachers to teach in the lower public schools, and authorizing the selection of candidates for teachership, and requiring district selecting such candidates to pay all expenses of educating such candidates when so educated to teach in the lower schools and also to pay back to the school district that selected them all moneys forwarded to them by said district, and prescribing a penalty on teachers that default in such teaching or in such payment of funds, and in order to provide means for school districts to pay such expenses a school farm to be attached to every public school house and the proceeds of such farm to be devoted, after paying for farm, to defray the expenses of candidates for teachership at the higher schools, and pointing out how such farms be acquired, held and operated, and requiring school trustees and the teacher of vocational studies to manage such farm and prescribing payment for such services, and requiring all pupils attending the school to render service on said farms and prohibiting, etc."

The bill was read second time and passed to engrossment.

Senator Baugh moved to reconsider the vote by which the bill was passed to engrossment.

The motion prevailed.

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 67 by striking out the words "shall hereafter," line 15, page 2, and insert in lieu thereof the following: "may hereafter."

The amendment was adopted.

Senator Darwin moved to postpone further consideration of the bill indefinitely.

The roll was called and the motion to postpone indefinitely prevailed by the following vote:

Yeas—19.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Darwin.	Ridgeway.
Doyle.	Stuart.
Dudley.	Thomas.
Floyd.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Nays—9.

Burkett.	Rogers.
Cousins.	Strong.
Davis.	Wirtz.
Fairchild.	Woods.
Murphy.	

Absent.

Bailey. Watts.

Absent—Excused.

Clark.

H. B. No. 95 on Second Reading.

On motion of Senator Davis, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 95, A bill to be entitled "An Act amending the workmen's compensation law, as amended by Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time.

Senator Davis offered the following amendments to the bill:

Amend H. B. No. 95 by striking out all after the enacting clause and insert in lieu thereof the following:

Section A. That Section 7 of Part 1, of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature be and the same is

hereby amended so as to hereafter read as follows:

Sec. 7. During the first four weeks of the injury, dating from the date of its infliction, the association shall furnish reasonable medical aid, hospital services and medicines. If the association fails to so furnish same as and when needed during the time specified after notice of the injury to the association or subscriber, the injured employee may provide said medical aid, hospital services and medicine at the cost and expense of the association. The employee shall not be entitled to recover any amount expended or incurred by him for said medical aid, hospital services or medicines, nor shall any person who supplied the same be entitled to recover of the association thereof, unless the association or subscriber shall have had notice of the injury and shall have refused, failed or neglected to furnish it or them within a reasonable time. Provided, however, that at the time of the injury or immediately thereafter, if necessary, the employee shall have the right to call in any available physician or surgeon to administer first aid treatment as may be reasonably necessary at the expense of the association. During the fourth or any subsequent week of continuous total incapacity requiring the confinement to a hospital, the association shall, upon application of the attending physician or surgeon certifying the necessity therefor to the Industrial Accident Board and to the association, furnish such additional hospital services as may be deemed necessary, not to exceed one week, unless at the end of such additional week the attending physician shall certify to the necessity for another week of hospital services or so much thereof as may be needed; provided, however, that such additional hospital services as are provided for in this paragraph shall not be held to include any obligation on the part of the association to pay for medical or surgical services not ordinarily provided by hospitals as a part of their services.

Section B. That Sections 8, 10, 11, 12 of Part 1 of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature shall be and are hereby amended so as to hereafter read as follows:

Sec. 8. If death should result from the injury the association hereinafter created shall pay the legal beneficiaries of the deceased employee a weekly pay-

ment equal to sixty per cent of his average weekly wages, but not more than \$22.00 nor less than \$5.00 per week, for a period of three hundred and sixty weeks from the date of the injury.

Sec. 10. While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty per cent of his average weekly wages, but not more than \$22.00 nor less than \$5.00, and in no case shall the period covered by such compensation be greater than four hundred and one (401) weeks from the date of the injury.

Sec. 11. While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty per cent of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than \$22.00 per week; and the period covered by such compensation to be in no case greater than three hundred weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one (401) weeks from the date of injury.

Sec. 12. For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty per cent of the average weekly wages of such employee, but not less than \$5.00 per week nor exceeding \$22.00 per week, for the respective periods stated herein, to-wit:

For the loss of a thumb, sixty per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, sixty per cent of the average weekly wages during forty-five weeks.

For the loss of a second finger, sixty per cent of the average weekly wages during thirty weeks.

For the loss of a third finger, sixty per cent of the average weekly wages during twenty-one weeks.

For the loss of the fourth finger, commonly known as the little finger, sixty per cent of the average weekly wages during fifteen weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more

than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of more than the middle or distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case shall the amount received for the loss of a thumb and more than one finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger or finger above, add ten weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one hand be more than for the loss of the hand.

For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

For the loss of a hand, sixty per cent of the average weekly wage during one hundred and fifty weeks.

For the loss of an arm at or above the elbow, sixty per cent of the average weekly wages during two hundred weeks.

For the loss of one of the toes other than the great toe, sixty per cent of the average weekly wages during ten weeks.

For the loss of the great toe, sixty per cent of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of the toe shall be considered to be equal to the loss of one-half of the toe.

For the loss of a foot, sixty per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg at or above the knee, sixty per cent of the average weekly wages during two hundred weeks.

For the total and permanent loss of the sight of one eye, sixty per cent of the average weekly wages during one hundred weeks.

In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be equiva-

lent to and draw the same compensation as the loss of that member.

For the complete and permanent loss of the hearing in both ears, sixty per cent of the weekly wages during one hundred and fifty weeks.

For the loss of an eye and leg above the knee, sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and an arm above the elbow, sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and a hand sixty per cent of the average weekly wages during a period of three hundred and twenty-five weeks.

For the loss of an eye and a foot sixty per cent of the average weekly wages during a period of three hundred weeks.

Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity, but this section shall not affect the liability for the concurrent loss of the use thereof of more than one member, for which members compensation is provided in this schedule, compensation for specific injuries under this Act shall be cumulative as to time and not concurrent.

In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member be equivalent to and draw the same compensation as the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

In all other cases partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury, the compensation paid therefor shall be sixty per cent of the average weekly wages of the employees, but not to exceed \$22.00 per week, multiplied by the percentage of incapacity caused by the injury for

such period as the board may determine not to exceed three hundred weeks. Whenever the weekly payments under this paragraph would be less than \$3.00 per week, the period may be shortened, and the payments correspondingly increased by the board.

Sec. C. Section 3, Part 2, of Chapter 103 of the Acts of the Thirty-first Legislature, commonly known as the Workmen's Compensation Law, is amended so as to hereafter read as follows:

Sec. 3. The salaries and expenses of the Industrial Accident Board shall be paid by the state. The salaries of the said members of the board shall be as follows: For the chairman of such board, \$4,500.00 per year, and for each of the other members \$4,000.00 a year, payable in equal monthly installments. The board may appoint a secretary at a salary not to exceed \$2,700 a year, and may appoint such other clerical and other assistants as may be necessary to properly administer this Act. It shall also be allowed a reasonable sum, the amount to be determined by the Legislature, for clerical and other services, office equipment, traveling expenses and all other expenses necessary. The board shall be provided suitable offices in the Capitol or some convenient building in the City of Austin where its records shall be kept.

Members of said board or any employee thereof, shall have the right to travel upon free railroad transportation in the prosecution of the duties of their respective offices in the State of Texas without violating any provisions of the anti-pass laws of this state. Any railroad company issuing such transportation shall not be deemed nor held to have violated any law of this state by reason thereof.

Sec. D. That a new section to said Part 1, Chapter 103, Acts of the Thirty-fifth Legislature, numbered 3c, is added, reading as follows: From and after the time of the receipt by the Industrial Accident Board of notice from an employer that the latter has become a subscriber under this Act, all employees of said subscriber, then and thereafter employed, shall be conclusively deemed to have notice of the fact that such subscriber has provided

with the association for the payment of compensation under this Act. If any employer ceases to be a subscriber he shall on or before the date on which his policy expires give notice to that effect to the Industrial Accident Board, and to such subscriber's employees by posting notice to that effect in three public places around such subscriber's plant.

Sec. E. Sec. 8a, part 1, of Chapter 103 of the Acts of the Thirty-fifth Legislature, commonly known as the Workmen's Compensation Law, is amended so as to hereafter read as follows: Sec. 8: The compensation provided for in the foregoing section of this Act shall be for the sole and exclusive benefit of the surviving husband who has not for good cause and for a period of three years prior thereto, abandoned his wife at the time of the injury, and the wife who has not at the time of the injury without good cause and for a period of three years prior thereto, abandoned her husband, and the minor children, parents and stepmother, without regard to the question of dependency, dependent grandparents, dependent children and dependent brothers and sisters of the deceased employee; and the amount recovered thereunder shall not be liable for the debts of the deceased nor the debts of the beneficiary or beneficiaries and shall be distributed among the beneficiaries as may be entitled to the same as hereinbefore provided according to the laws of descent and distribution of this State; provided the right in such beneficiary or beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and the said right be a complete, absolute and vested one; and provided such compensation shall not pass the estate of the deceased to be administered upon, but shall be paid directly to said beneficiaries when the same is capable of taking, under the laws of the State, or to their guardians or next friend, in case of lunacy, infancy or other disqualifying cause of any beneficiary. And the compensation provided for in this Act shall be paid weekly to the beneficiaries herein named and specified, subject to the provisions of this Act.

Sec. F. That Sec. 23, Part III, Chapter 103, General Laws of the Thirty-fifth Legislature be and the

same is hereby amended so as to read as follows: Sec. 23. The Association shall set up and maintain reserves adequate to meet anticipated losses, carry all claims to maturity and policies to termination, which reserves shall be computed in accordance with such rules as shall be approved by the Commissioner of Insurance and Banking, and may be invested in such securities as are permitted to Casualty Companies organized under the General Laws; and, for the protection of its reserves and surpluses against the liability herein imposed, shall have the same right to reinsure or be reinsured as Casualty Companies organized under General Laws.

Sec. G. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. H. The importance of this Act creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this Act shall be in force and take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

The amendments were adopted severally.

Senator Witt offered the following amendment to the bill:

Amendment to H. B. No. 95, page 1235 of the Journal by inserting the figure 3 before the figure 8 in first line of Section 13 and add the following to the Section:

Amend Section 3, Part I, Chapter 103, General Laws of the Thirty-fifth Legislature, so as to hereafter read as follows:

Section 3. The employees of a subscriber shall have no right of action against their employer or against any agent, servant or employee of said employer, for damages for personal injuries, and the representatives and beneficiaries of deceased employees shall have no right of action against such *subscribing employer or his agent, servant or employee for damages for injuries resulting in death, but such employees and their representatives and beneficiaries shall look for compensation solely to the association, as the same is hereinafter provided for; provided that all compensation allowed under the succeeding sections herein shall be exempt from garnishment, attachment, judgment and all other suits or claims, and on

such right of action and no such compensation and no part thereof or of either shall be assignable, except as otherwise herein provided, and any attempt to assign the same shall be void.

The amendment was adopted.

Senator Witt offered the following amendment to the bill:

Amendment H. B. No. 95, page 1235 of the Senate Journal by adding to Section 13, the following section:

Amend Section 15a, Part I, Chapter 103, General Laws of the Thirty-fifth Legislature, so as to hereafter read as follows:

In any case where compensation is payable weekly at a definite sum for a definite period, and it appears to the board that the amount of compensation being paid is inadequate to meet the necessities of the employee or beneficiary the board shall have the power to increase the amount of compensation by correspondingly decreasing the number of weeks for which the same is to be paid, allowing discount for present payment at legal rate of interest; provided that in no case shall the amount to which it is increased exceed the amount of the average weekly wages upon which the compensation is based; provided it is not intended hereby to prevent lump sum settlements when approved by the board.

The amendments was adopted.

Senator Witt offered the following amendment to the bill:

Amend H. B. No. 95, page 1237 of the Senate Journal, by adding Section B1 as follows:

Sec. B1. Amend Section 1t, Part IV, Chapter 103, General Laws of the Thirty-fifth Legislature, so as to hereafter read as follows:

Section 1a. The President, Vice-President or Vice-Presidents, Secretary or other officers thereof provided in its charter or by-laws and the directors of any corporation which is a subscriber to this Act shall not be deemed or held to be an employe within the meaning of that term as defined in the preceding section hereof, and this notwithstanding they may hold other offices in the corporation and may perform other duties and render other services for which they receive a salary.

The amendment was adopted.

Senator McMillin offered the following amendment to the bill:

Amend House Bill No. 95 by strik-

ing out the figures \$22.00, wherever they appear in the bill and insert \$20.00, and by striking out the figures \$5.00 wherever they appear in the bill and insert the figures \$10.00.

Senator Rogers offered the following amendment to the amendment:

Amend the amendment by adding after the amendment the following: Provided that the minimum amount to be paid shall never be more than 80 per cent of the salary paid the injured employee at the time of the injury.

The amendment to the amendment was adopted.

Question: Shall the amendment by Senator McMillin, as amended, be adopted?

Recess.

On motion of Senator Darwin, the Senate at 11:55 a. m. recessed until 2 p. m. today.

Afternoon Session.

The Senate met at 2 p. m. and was called to order by President Pro Tem R. M. Dudley.

H. J. R. No. 16—Ordered Printed in the Journal.

On motion of Senator Burkett, H. J. R. No. 16, reported adversely, but with favorable minority report, was ordered printed in the Journal.

H. C. R. No. 30.

The Chair laid before the Senate, H. C. R. No. 30, as follows:

Be it Resolved, By the House of Representatives, the Senate concurring, that,

Whereas, It has come to the attention of Judge John W. Gaines, now a resident of Bexar County, Texas, and formerly a resident of Matagorda County, Texas, that there are in the custody of the county clerk of Matagorda County, several letters written by Stephen F. Austin while he was a prisoner in Mexico; and,

Whereas, These letters are original sources of information with reference to the early history of Texas and constitute valuable historical data; and,

Whereas, These letters ought to be preserved for the benefit of future gen-

erations of Texas. Therefore be it Resolved, By the House of Representatives, the Senate concurring, do hereby authorize the said John W. Gaines to secure these papers from the commissioners court of Matagorda County, and that he place said letters in the hands of the Daughters of the Republic and of the Confederacy, so that the same may be preserved in the State Museum or suitable repository.

The resolution was read, and on motion of Senator Darwin, was laid on the table subject to call.

S. B. No. 95 on Passage to Third Reading.

The Senate resumed consideration of pending business, the same being H. B. No. 95, relating to workmen's compensation, on its passage to third reading, and with amendment by Senator McMillin pending.

On motion of Senator Davis, the amendment was tabled.

Senator Bailey offered the following amendment to the bill:

Amend the amendment as proposed by Senator Davis, on pages 1235 et seq. of the Journal of the Senate by striking out wherever they occur the figures "\$22.00" and inserting in lieu thereof the figures "\$18.75."

Senator Ridgeway offered the following substitute for the amendment:

Amend House Bill No. 95 by striking out of Sections 8, 10, 11 and 12, Senate Journal, page 1235, the figures 22 wherever same appear and insert in lieu thereof figures 20, and by striking out of said sections the figure 5 wherever the same appears and insert in lieu thereof figure 7.

Senator Davis moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Cousins.	Pollard.
Davis.	Rogers.
Doyle.	Strong.
Fairchild.	Stuart.
Holbrook.	Thomas.
Murphy.	Wirtz.

Nays—16.

Bailey.	Bowers.
Baugh.	Burkett.
Bledsoe.	Darwin.

Dudley.	Ridgeway.
Floyd.	Turner.
McMillin.	Witt.
Parr.	Wood.
Rice.	Woods.

Absent.

Lewis.	Watts.
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Absent—Excused.

Clark.

The question then recurred on the substitute and it was adopted.

Senator Burkett offered the following amendment to the amendment as substituted:

Amend pending amendment by inserting a maximum of \$22.00 per week instead of \$20.00.

The amendment was lost.

Senator Murphy then moved to reconsider the vote by which the amendment offered by Senator Burkett was lost.

Question: Shall the vote by which the amendment was lost be reconsidered?

H. B. No. 294—Passage Over Governor's Veto.

Senator Bledsoe called up from the President's table H. B. No. 294, and moved that the bill be reconsidered and passed notwithstanding the Governor's veto.

The Chair laid the bill before the Senate, and the bill was finally passed, notwithstanding the Governor's veto, by the following vote:

Yeas—22.

Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Dudley.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.

Nays—5.

Bailey.	Holbrook.
Cousins.	Woods.
Doyle.	

Present—Not Voting.

Baugh.

Absent.

Lewis. Watts.
Absent—Excused.
Clark.

Message From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate:

Governor's Office,
Austin, Texas, March 8, 1923.
To the Members of the Texas Senate,
Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, Senate Bill No. 152. The purpose of this bill is to create and establish, in fact, though not in name, a new and additional district court for Bowe County, Texas. Bowie County now has one district court. In my judgment, the court business of this county does not necessitate the establishment of this additional court.

Respectfully,
PAT M. NEFF, Governor.

S. B. No. 152—Passed Over Governor's Veto.

Senator Turner called up from the President's table S. B. No. 152, and moved that the bill be reconsidered and passed, notwithstanding the Governor's veto.

The Chair laid the bill before the Senate, and the bill was finally passed, notwithstanding the Governor's veto, by the following vote:

Yeas—19.

Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Murphy.	Wood.
Parr.	

Nays—7.

Bailey.	Holbrook.
Baugh.	McMillin.
Cousins.	Woods.
Doyle.	

Absent.

Lewis. Rogers.
Rice. Watts.
Absent—Excused.
Clark.

H. B. No. 142 on Second Reading.

On motion of Senator Bowers, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 142, A bill to be entitled "An Act to appropriate the sum of one hundred thousand dollars, or as much thereof as may be necessary, out of the revenue of the State, for the erection of an administration building for the extension service of the Agricultural and Mechanical College of Texas, and the sum of fifteen thousand dollars out of the general revenues of the State for the repair and remodeling of Gathright Hall, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and was passed to third reading.

H. B. No. 142 on Third Reading.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 142 was put upon its third reading and final passage by the following vote.

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Floyd.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Absent.

Lewis. Watts.
Absent—Excused.
Clark.

The Chair then laid H. B. No. 142 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Rogers.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.

Absent.

Lewis. Watts.

Absent—Excused.

Clark.

S. B. No. 344—Free Conference Committee Requested.

Senator Burkett called up S. B. No. 344, with the house amendments, and moved that the Senate do not concur in the House amendments, but that a free conference committee be requested.

The motion was adopted.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 511, A bill to be entitled "An Act to make certain emergency and supplemental appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1923, and declaring an emergency."

S. B. No. 249, A bill to be entitled "An Act to provide for the issuance of serial coupon bonds for the purpose of constructing teachers' homes and purchasing land in connection therewith, and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; the appointment of deputy Game, Fish and Oyster Commissioners, prescribing their duties and compensations; making provisions for the creation of a special game fund and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws and all laws, general and special, in conflict herewith, and declaring an emergency."

H. B. No. 8, A bill to be entitled "An Act to amend Section 1 of Chapter 86 of the Regular Session of the Thirty-sixth Legislature, amending Sec. 2 of H. B. No. 25 passed by the Thirty-third Legislature at the Regular Session and approved April 7, 1913, relating to prorating the appropriation for Confederate pensions among the pensioners; to provide that women who were wives of Confederate soldiers or sailors and who after the death of such soldiers or sailors have remarried, but who have been separated from or abandoned by their husbands and living apart from them for a period of three years next prior to her application for a pension, and who are in indigent circumstances, may be eligible to the grant of a pension, and declaring an emergency."

The House reconsidered H. B. No. 294 and passed, notwithstanding the Governor's veto, by a vote of 83 yeas and 27 nays.

Has passed H. C. R. No. 30, relating to several letters relating to Stephen F. Austin, and the recovery of same.

H. C. R. No. 29, relating to a memorial to the President of the United States in regard to the railway shopmen's strike.

The following Free Conference Committee was announced on part of the House in compliance with the request of the Senate, on Senate Bill No. 40: Shearer, LeSturgeon, Dielman, Bell and Carpenter of Dallas.

H. B. No. 97, A bill to be entitled "An Act prohibiting the teaching of evolution in any of its phases in the public schools or any of our higher educational institutions in the State of Texas, supported in whole or in

part by taxation; and prohibiting the members of the State Text Book Commission from adopting or recommending any text book which teaches the theory of evolution, either directly or indirectly, and for other purposes."

H. B. No. 678, A bill to be entitled "An Act to provide for an efficient system of road maintenance in Upshur County; prescribing the classification of all public roads in said county; defining the powers and duties of the county commissioners and county attorney of such county; the jurisdiction of the county court in relation thereto; defining the qualifications and duties of road overseers and declaring who shall be subject to road duty or service in said county; providing punishment and procedure for non-performance of certain duties prescribed herein by said officers, and declaring an emergency."

S. B. No. 191, a bill to be entitled "An Act authorizing the incorporation of Mutual Hail Insurance Companies; regulating the business of such companies; providing for the investment of the reserve funds of such companies; requiring annual reports; fixing the fees to be paid by such companies and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act authorizing boards of supervisors of levee improvement districts heretofore authorized, or that may be hereafter organized, under any law pursuant to Section 52 of Article 3, or Section 59 of Article 16, of the Constitution, to file suits to collect delinquent taxes in such districts; providing the method of procedure therefor; providing that any bondholder may bring such tax suits in the name of the levee district where the supervisors fail to commence such suits within sixty days after taxes become delinquent; providing that this Act shall be cumulative and shall not repeal any method of procedure now provided for by law for the collection of levee district taxes; and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act amending Chapter 4, Title 12, of the Penal Code of the State of Texas, so as to properly define 'concentrated feeding stuff,' 'concentrated commercial feeding stuff'; amending Article 735 of said chapter, making it refer to Article 732

instead of Article 731, and reducing the penalty; making said chapter apply to firms, corporations, associations of persons, manufacturers, importers, agents, sellers and common law trust companies or associations, as well as persons; amending Article 740, omitting the jail penalty; providing a penalty for violations of said chapter where a penalty is not otherwise provided, and declaring an emergency."

H. B. No. 149, A bill to be entitled "An Act amending Sections 6 and 12 of an Act passed at the Regular Session of the Thirty-sixth Legislature, entitled 'An Act relating to the protection of wild game, birds, etc., and requiring a license for the purpose of hunting, being H. B. No. 457, Chapter 157 of the Regular Session Laws,' and to repeal all laws in conflict, and declaring an emergency."

H. B. No. 184, A bill to be entitled "An Act amending Subdivision (1) of Section 1 of an Act authorizing and empowering certain municipalities of this State to fix and prescribe the annual salaries or compensation of their city or corporation judge, city attorney, and city auditor, at not exceeding a maximum prescribed sum, fixing the maximum amount thereof, and declaring an emergency, being H. B. No. 101, Chapter 21 of the General Laws of Texas, approved June 17, 1920, and effective June 17, 1921, and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act to amend Chapter 1 of Title 29 of the Revised Civil Statutes of 1911 by adding thereto Articles 1459a, 1495b, 1495c and 1459d, providing for the employment by commissioners' courts in counties not having a county auditor or an accountant to audit the books, records and files of the county; and the reports, books, records and files of all officers, agents, agencies, pertaining to all financial transactions and matters with respect to which the commissioners' court is charged with any duty; providing for a report of such audit and for their compensation therefor."

H. B. No. 242, A bill to be entitled "An Act providing for the regulation of gins, ginners and ginning; the licensing of ginners; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping,

marking and certificating of bales of cotton; providing for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms; repealing certain articles of the statute, and certain laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act to amend Article 3965 of the Revised Statutes of 1911, relating to written memorandum to maintain certain actions, and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act granting permission to T. M. Thames and wife, Amelia S. Thames, father and mother of Dell Thames, deceased, to bring suit against the State of Texas, in Travis County, Texas, to fix and establish their damages against the State of Texas for the injury and resulting death of Dell Thames, alleged to have occurred at the State Juvenile Training School at Gatesville, Texas, on or about September 25, 1921; fixing and establishing the measure of damages and the liability of the State of Texas; declaring who are the agents or servants of the State of Texas; providing for the method of service and procedure governing the trial and determination of such suit; fixing the time within which such suit shall be brought, and declaring an emergency."

S. B. No. 201, A bill to be entitled "An Act organizing the Forty-second Judicial District of Texas; defining its limitations and naming the counties which shall constitute same; providing for the transfer of Stephens County from said district to the Ninetieth Judicial District of Texas; providing for the transfer of all cases on the docket of the Forty-second Judicial District within the county of Stephens to the docket of the Ninetieth Judicial District in said county; and validating all writs, bonds, recognizances, and process in all cases pending upon the dockets of the district courts in the aforesaid counties, and declaring an emergency."

S. B. No. 244, A bill to be entitled "An Act reorganizing the State of Texas into supreme judicial districts, for the purpose of constituting and organizing courts of civil appeals therein; creating the Tenth Supreme

Judicial District of Texas, with Eastland as the site of said court; providing for the appointment and qualification of the judges of said Tenth Supreme Judicial District, and other officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Tenth Supreme Judicial District of Texas; and declaring an emergency," with amendments.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem Senator Dudley, had referred, after their captions had been read, the following bills:

H. B. No. 511, referred to Committee on Finance.

H. B. No. 111, referred to Committee on State Affairs.

H. B. No. 8, referred to Committee on State Departments.

H. B. No. 97, referred to Committee on Educational Affairs.

H. B. No. 678, referred to Committee on Roads, Bridges and Ferries.

H. C. R. No. 29, referred to Committee on Internal Improvements.

Bills Signed.

The Chair, President Pro Tem R. M. Dudley, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 365. H. B. No. 510.

H. B. No. 561. H. B. No. 539.

H. B. No. 620. H. B. No. 570.

H. B. No. 608. H. B. No. 60.

H. B. No. 353. H. B. No. 491.

H. B. No. 609. S. B. No. 343.

H. B. No. 546. S. B. No. 191.

H. B. No. 560. S. B. No. 249.

H. B. No. 549.

Adjournment.

On motion of Senator Cousins, the Senate at 4:35 p. m. adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
353 carefully compared and find same
to be correctly engrossed.
DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
394 carefully compared and find same
to be correctly engrossed.
DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
101 carefully compared and find same
to be correctly engrossed.
DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
259 carefully compared and find same
to be correctly engrossed.
STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
218 carefully compared and find same
to be correctly engrossed.
STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
427 carefully compared and find same
to be correctly engrossed.
STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No.
429 carefully compared and find same
to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
260 carefully compared and find same
to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.
Sir: We, your Committee on En-
grossed Bills, have had Senate Bill No.
365 carefully compared and find same
to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 197 and find the same
correctly enrolled and have this day at
2:15 o'clock p. m. presented the same
to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 128 and find the same
correctly enrolled and have this day at
2:15 o'clock p. m. presented the same
to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared
Senate Bill No. 151 and find the same
correctly enrolled and have this day at
2:15 o'clock p. m. presented the same
to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, March 9, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have carefully compared

Senate Bill No. 107 and find the same correctly enrolled and have this day at 2:15 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 155 and find the same correctly enrolled and have this day at 2:15 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 343 and find the same correctly enrolled and have this day at 2:15 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 530, A bill to be entitled "An Act to amend Chapter 167 of the laws of the Regular Session of the Thirty-fifth Legislature, 1917, relative to the appointment of an Assistant District Attorney prescribing the mode of appointment of Assistant District Attorneys in districts containing two or more counties, and in which district there is situated a city of twenty-eight thousand population or more according to the last United States census, prescribing the qualifications of such Assistant District Attorney, defining his duties, providing the method of his removal from office, fixing his salary and prescribing the mode of its payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 547, A bill to be entitled "An Act to create the Bayside Colony Independent School District in Refugio and Aransas Counties, Texas, including the present Bayside Colony Common School District No. 7, of said counties, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, providing that the board of trustees of the present Bayside Colony Common School District No. 7 shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the Bayside Colony Common School District No. 7; and declaring an emergency."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do not pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 286, A bill to be entitled "An Act making an emergency appropriation for the Adjutant General of this State, made necessary by emergencies arising in declaring martial law and administering the Open Port Law in this State; and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 440, A bill to be entitled "An Act relative to liens for furnishing irrigation water and service, amending Chapter 88 of the General Laws of the Thirty-fifth Legislature, Regular Session, approved March 9, 1917, by amending Sec. 87 of said Act, and also limiting and regulating the contract lien upon crops irrigated, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate that it do pass with the following amendments and be printed in the Journal:

Committee Amendment No. 1.

Amend H. B. No. 440, Section 1, by striking out the period after the word "districts" at the end of said section and insert a comma in lieu thereof and add the following: "or conservation and reclamation districts."

Committee Amendment No. 2.

Amend H. B. No. 440; Sec. 2, by inserting in Sec. 2, immediately after the words "irrigation districts" in line 2 thereof by inserting the following: "or conservation and reclamation districts."

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 469, A bill to be entitled "An Act to amend Sec. 70 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature of Texas, by providing for amortization and an agency fund for water improvement and irrigation districts and directing the purpose for which said fund shall be expended and providing for its investment and to amend Sec. 95 of said Chapter 87 by providing the method and manner of making and collecting water assessments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

BLEDSON, Chairman.

(Floor Report.)

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 685, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its Regular Session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the District Courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the Counties of Hays and Caldwell; to repeal all laws in conflict herewith and declaring an emergency."

Have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and being a local bill that it be not printed.

Pollard, Wirtz, Fairchild, Davis, Bowers and Doyle.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 25, "Proposing amendments to Sections 5 and 21 and 22 and 23 of Article 4, and Section 24 of Article 3 of the Constitution of the State of Texas, and fixing a time for the election to be held on such amendments."

Have had same under consideration, and I am instructed by the committee to return same to the Senate with a recommendation that it do pass, and that it be printed in the Journal.

WOODS, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 26, "Proposing an amendment to the Constitution so as to provide for uniformity and equalization in taxable values for state purposes through a central state board."

Have had same under consideration, and I am instructed by the committee to return same to the Senate with a recommendation that it do pass, and that it be printed in the Journal.

WOODS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate,

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 16, "Proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under state control, of a state system of public highways; authorizing the Legislature to provide for the issuance of bonds of the state or other form of indebtedness, for the construction of a State system of public highway and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expenses of said election."

Have had same under consideration, and I am instructed by a majority of the committee to return same to the Senate with a recommendation that it do not pass.

WOODS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate,

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 16, "Proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under state control, of a state system of public highways; author-

izing the Legislature to provide for the issuance of bonds of the state or other forms of indebtedness for the construction of a state system of public highways and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election."

Have had same under consideration, and we beg to recommend to the Senate that it do pass, and that it be printed in the Journal.

BURKETT,
MURPHY.

Committee Room,

Austin, Texas, March 7, 1923.

Hon. T. W. Davidson, President of the Senate,

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 40, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes, providing compensation for the county attorney and other officials, limiting the defense that may be urged in a suit for taxes, expressly repealing Articles 7687, 7688, 7689, 7690, 7691, 7692, 7696, 7699, 7697, 7687a, 7687b, and 7688a, Vernon's Sayles' Texas Civil Statutes, and repealing all laws in conflict herewith."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, with committee amendments, and that it be printed in the Journal with committee amendments.

WITT, Chairman.

Committee Amendment—No. 1.

Amend House Bill No. 40, page 5, line 8, by striking out the following: "original or supplementary rolls of the tax collector of such county" and add in lieu thereof the following: "the delinquent tax records of said county."

Committee Amendment—No. 2.

Amend House Bill No. 40, page 5, line 15, by striking out the following: "original or any supplementary roll or rolls of record in the tax collector's office" and add in lieu thereof the following: "the delinquent tax record of said county."

Committee Amendment—No. 3.

Amend House Bill No. 40, page 6,

lines 2 to 8, by striking out all after the word "application" down to and including line 13.

Committee Amendment—No. 4.

Amend House Bill No. 40, page 8, by striking out in lines 10 and 11 the following words: "nor at the time the tax sued for was assessed."

Committee Amendment—No. 5.

Amend House Bill No. 40, page 8, by striking out the lines 13 and 14 and inserting in lieu thereof the following: "Third: That the taxes sued for are in excess of the limit allowed by law, but this defense shall apply only as to such excess."

Committee Amendment—No. 6.

Amend House Bill No. 40, page 11, line 15, by changing the word "assess" to "sell."

Committee Amendment—No. 7.

Amend House Bill No. 40, page 12, line 2, by changing the word "tolls" to "rolls."

Committee Amendment—No. 8.

Amend House Bill No. 40, page 12, by striking out all that part of Section 7, beginning with the word "In" in line 14, and ending with line 26.

Committee Amendment—No. 9.

Amend House Bill No. 40, page 6, line 13, by inserting after the word "persons" the following: "including all record lien holders."

Committee Amendment—No. 10.

Amend House Bill No. 40, page 11, by striking out the word "only" in line 21.

FORTY-FOURTH DAY.

Senate Chamber,

Austin, Texas.

Saturday, March 10, 1923.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.
Baugh.
Bledsoe.
Bowers.

Burkett.
Cousins.
Darwin.
Davis.

Doyle.	Rice.
Dudley.	Ridgeway.
Fairchild.	Rogers.
Floyd.	Strong.
Holbrook.	Thomas.
Lewis.	Turner.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	Woods.

Absent.

Stuart.

Absent—Excused.

Clark.

Watts.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Doyle.

Bills and Resolutions.

By Senator Woods:

S. B. No. 432, A bill to be entitled "An Act to amend Section 2 of Chapter 119, General Laws passed at the regular Session of the Thirty-sixth Legislature authorizing the guardians of estates to make mineral leases on real estate of their ward; prescribing the manner in which the said mineral leases shall be made; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 433, A bill to be entitled "An Act to amend Sec. 16 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature making it an offense to remove any domestic animals which have been quarantined; prescribing a penalty for the violation thereof; fixing the venue where prosecutions may be had, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

S. B. No. 244.—Conference Committee Appointed.

The Chair (President Pro Tem) announced the following to serve on the part of the Senate on the Conference Committee on S. B. No. 244:

Senators Darwin, Fairchild, Wirtz, Floyd, Wood.